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FILED

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Clerk, U.S. District Court
District Of Montana
Great Falls

**ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NENA SUSANNE KRUGER,

Defendant.

CR 22-04-H-BMM

INDICTMENT

**FALSE STATEMENT OR
REPRESENTATION MADE TO A
DEPARTMENT OR AGENCY OF THE
UNITED STATES (Counts I-II)**

Title 18 U.S.C. § 1001(a)(2)

**(Penalty: Five years of imprisonment,
\$250,000 fine, three years of supervised
release)**

**THEFT OF GOVERNMENT MONEY
(Counts III-V)**

Title 18 U.S.C. § 641

**(Penalty: Ten years of imprisonment,
\$250,000 fine, three years of supervised
release)**

WIRE FRAUD (Counts VI-VII)

Title 18 U.S.C. § 1343

**(Penalty: 20 years of imprisonment,
\$250,000 fine, three years of supervised
release)**

	ENGAGING IN MONETARY TRANSACTIONS IN PROPERTY DERIVED FROM SPECIFIED UNLAWFUL ACTIVITY (Count VIII) Title 18 U.S.C. §§ 1957, 2 (Penalty: Ten years of imprisonment, \$250,000 fine, three years of supervised release) CRIMINAL FORFEITURE 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(1) 28 U.S.C. § 2461(c)
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THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this indictment:

1. The defendant, NENA SUSANNE KRUGER, lived in Lewis and Clark County, in the State and District of Montana. She was the sole member of Evergreen Dive Service, LLC, which owned and operated the Evergreen Dive Service business in Everett, Washington.
2. By providing false and fraudulent information, and specifically by not providing accurate or updated information regarding her income, the defendant, NENA SUSANNE KRUGER, obtained benefits from several federal programs for which she was not entitled.
3. Medicaid is a government health care program that authorized federal grants to states for medical assistance to low-income persons who are age 65 or younger, blind, disabled, or members of families with dependent children or

qualified pregnant women or children. The State of Montana, through its Department of Public Health and Human Services, operated its Medicaid program. The Montana Medicaid program was funded, at least in part, by the United States Department of Health and Human Services.

4. The Temporary Assistance for Needy Families (“TANF”) program provided federal funding to state-administered programs such as childcare assistance, job preparation, and work assistance for families with low income. The State of Montana, through its Department of Public Health and Human Services, operated its TANF program. The TANF program was funded, at least in part, by the United States Department of Health and Human Services.

5. The Supplemental Nutrition Assistance Program (“SNAP”) was a federal nutrition assistance program for low-income individuals and families. The State of Montana, through its Department of Public Health and Human Services, operated the SNAP. The SNAP was funded, at least in part, by the United States Department of Agriculture.

6. In response to the covid-19 pandemic, the United States Small Business Administration (“SBA”) instituted the Economic Injury Disaster Loan program (“EIDL”) to provide economic relief to small businesses and nonprofit organizations that experienced a temporary loss of revenue. The size of each EIDL loan was based, at least in part, on the number of employees and the gross revenue

reported by the business. In addition, as part of the loan process, business owners were informed and acknowledged that the loan proceeds were to be used solely as “working capital,” that is, for business operating expenses.

COUNT 1
FALSE STATEMENTS

On or about December 18, 2018, in Lewis and Clark County, in the State and District of Montana, the defendant, NENA SUSANNE KRUGER, willfully and knowingly made materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of the executive branch of the government of the United States, namely the United States Department of Health and Human Services and the United States Department of Agriculture, by causing to be submitted an application for both the SNAP and TANF programs, which the defendant well knew did not disclose all of her income and bank account information, in violation of 18 U.S.C. § 1001.

COUNT II
FALSE STATEMENTS

On or about December 10, 2019, in Lewis and Clark County, in the State and District of Montana, the defendant, NENA SUSANNE KRUGER, willfully and knowingly made materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of the executive branch of the government of the United States, namely the United States Department of Health

and Human Services, by stating to an employee of the State of Montana determining defendant's eligibility for Medicaid that she did not have any income or any way to liquidate anything that she owned, when in truth, the defendant knew that she did have income as well as the ability to liquidate several assets, which should have made her ineligible for Medicaid benefits, in violation of 18 U.S.C. § 1001.

COUNT III
THEFT OF GOVERNMENT MONEY

On or about December 10, 2018, and continuing through on or about March 1, 2020, in Lewis and Clark County, in the State and District of Montana, the defendant, NENA SUSANNE KRUGER, willfully and knowingly stole and purloined money of a value exceeding \$1,000.00, of the goods and property of the United States, specifically the defendant received benefits from the SNAP for herself and her minor children, to which the defendant knew she was not entitled, in violation of 18 U.S.C. § 641.

COUNT IV
THEFT OF GOVERNMENT MONEY

On or about December 10, 2018, and continuing through on or about June 1, 2019, in Lewis and Clark County, in the State and District of Montana, the defendant, NENA SUSANNE KRUGER, willfully and knowingly stole and purloined money of a value exceeding \$1,000.00, of the goods and property of the

United States, specifically the defendant received benefits from the TANF program for herself and her minor children, to which the defendant knew she was not entitled, in violation of 18 U.S.C. § 641.

COUNT V
THEFT OF GOVERNMENT MONEY

On or about January 1, 2016, and continuing through on or about March 1, 2020, in Lewis and Clark County, in the State and District of Montana, the defendant, NENA SUSANNE KRUGER, willfully and knowingly stole and purloined money of a value exceeding \$1,000.00, of the goods and property of the United States, specifically the defendant received benefits from the Medicaid program for herself and her minor children, to which the defendant knew she was not entitled, in violation of 18 U.S.C. § 641.

COUNTS VI-VII
WIRE FRAUD

From on or about April 1, 2020, to on or about June 18, 2020, in the State and District of Montana, the defendant, NENA SUSANNE KRUGER, devised and intended to devise a scheme to defraud the SBA, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises: namely the defendant provided false information in an EIDL loan application, authorization, and agreement for Evergreen Dive Service, LLC, for the purposes of receiving more money than she was otherwise entitled to receive,

which she intended to be used—and in fact did use—at least in part, for her personal benefit.

As part of the scheme and for the purpose of executing the scheme described above, the defendant, NENA SUSANNE KRUGER, knowingly transmitted and caused to be transmitted by means of writings, signs, signals, pictures, and sounds in wire, radio, and television communications in interstate commerce, from Lewis and Clark County, in the State and District of Montana, to the State of Washington, the State of Colorado, and elsewhere, the following items in violation of 18 U.S.C. § 1343:

Count	Date	Item
VI	4/1/2020	Evergreen Dive Service, LLC, EIDL Loan Application
VII	5/29/2020	Evergreen Dive Service, LLC, EIDL Note Authorization and Agreement

COUNT VIII MONEY LAUNDERING

On or about June 18, 2020, in the State and District of Montana, the defendant, NENA SUSANNE KRUGER, did knowingly engage and attempt to engage in a monetary transaction by, through, and to a financial institution, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, that is a transfer of \$11,690 in U.S. currency, such property having been derived from a specified unlawful activity, that is, the wire

fraud transactions set forth in counts VI and VII above, in violation of 18 U.S.C. §§ 1957 and 2.

FORFEITURE ALLEGATION

Upon conviction of any the offenses set forth in counts VI or VII of this indictment, the defendant, NENA SUSANNE KRUGER, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real and personal, which constitutes and is derived from proceeds traceable to the offense.

Upon conviction of the offense set forth in count VIII of this indictment, the defendant, NENA SUSANNE KRUGER, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(1), any property, real and personal, involved in the offense, and any property traceable to such property.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,


the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

A TRUE BILL.

Foreperson signature redacted. Original document filed under seal.

FOREPERSON


LEIF M. JOHNSON
United States Attorney


JOSEPH E. THAGGARD
Criminal Chief Assistant U.S. Attorney